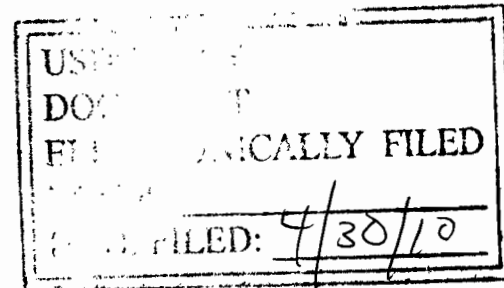


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



----- x
DR. ANGELO J. SKALAFURIS, P.E.,

Plaintiff,

**STIPULATION AND
PROTECTIVE ORDER**

-against-

09 Civ. 5165 (SAS)

CITY OF NEW YORK, DEPARTMENT OF
CORRECTION,

Defendants.
----- x

SHIRA A. SCHEINDLIN, U.S.D.J.:

WHEREAS, plaintiff has sought certain documents from the defendants in discovery in this action, documents which defendants deem confidential; and

WHEREAS, defendants object to the production of those documents unless appropriate protection for the confidentiality of the information contained therein is assured;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the parties, as follows:

1. As used herein, "Confidential Materials" shall mean all documents provided to plaintiff's counsel by defendants' counsel concerning current or former employees of the New York City Department of Correction ("DOC") and the City of New York, including, but not limited to, personnel, labor relations, or other files of the DOC, and the information contained therein, except that such documents and information shall not be deemed "Confidential Materials" to the extent, and only to the extent, that they are (a) obtained by plaintiff from sources other than defendants, or (b) are otherwise publicly available.

2. Neither plaintiff nor plaintiff's attorney shall use the Confidential Materials for any purpose other than for the preparation or presentation of plaintiff's case in this action.

3. Neither plaintiff or plaintiff's attorney shall disclose the Confidential Materials to any person except under the following conditions:

- a. Disclosure may be made only if necessary to the preparation or presentation of plaintiff's case in this action.
- b. Disclosure before trial may be made only to a witness at deposition or to the Court.
- c. Before any disclosure is made to a witness at a deposition, plaintiff shall provide each such witness with a copy of this Stipulation and Protective Order, and such witness shall consent in writing, in the form annexed hereto as Exhibit A, not to use the Confidential Materials for any purpose other than in connection with the prosecution of this case and not to further disclose the Confidential Materials except in testimony taken in this case. The signed consent shall be retained by plaintiff and a copy shall be furnished to defendants' attorneys upon their request.

4. Deposition testimony concerning any Confidential Materials which reveals the contents of such materials shall be deemed confidential, and the transcript of such testimony, together with any exhibits referred to therein, shall be separately bound, with a cover page prominently marked "CONFIDENTIAL." Such portion of the transcript shall be deemed to be Confidential Materials within the meaning of this Stipulation and Protective Order.

5. If any paper which incorporates any Confidential Materials or reveals the contents thereof is filed in this Court, those portions of the papers shall be delivered to the Court

enclosed in a sealed envelope bearing the caption of this action, an indication of the nature of the contents, and the following legend:

CONFIDENTIAL

This envelope contains documents or information designated confidential pursuant to an order entered by the United States District Court for the Southern District of New York in the above-captioned action. This envelope shall not be opened or unsealed without the express direction of a judge of this Court, and its contents shall not be displayed or revealed except as the Court may order. This envelope and its contents shall at all times be maintained separate and apart from the publicly available files of this case.

6. Within 30 days after the termination of this case, including any appeals, the Confidential Materials, including all copies, notes, and other materials containing or referring to information derived therefrom, shall be returned to defendants' attorneys, and plaintiff shall verify their return by affidavit furnished to defendants' attorneys.

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Mar 17 2010 11:59am
TO:12127888877

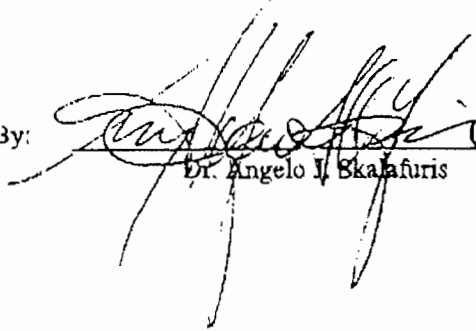
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7. Nothing in this Stipulation and Protective Order shall be construed to limit defendants' use of the Confidential Materials in any manner.

Dated: New York, New York
March , 2010

DR. ANGELO J. SKALAFURIS
15 Forster Avenue
Mount Vernon, New York 10552-2316
(914) 239-3500

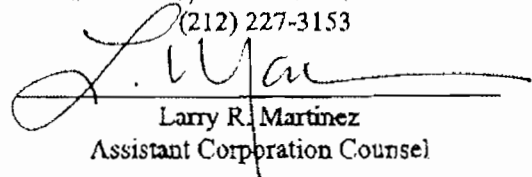
By:



Dr. Angelo J. Skalafuris

By:

MICHAEL A. CARDOZO
Corporation Counsel of the
City of New York
Attorney for Defendants
100 Church Street, Room 2-314
New York, New York 10007-2601
(212) 227-3153



Larry R. Martinez
Assistant Corporation Counsel

SO ORDERED:



SHIRA A. SCHEINDLIN, U.S.D.J.

4/30/10